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Brighton & Hove Licensing Unit

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3rd January 2020

Malarmathy THARMASEELAN
REDACTED

Dear Mrs. THARMASEELAN

Licensing Act 2003 – Unauthorised licensable activities.

RE: Happy Shopper REDACTED

Our records show that you are the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) for Happy Shopper REDACTED. I write with reference to the above premises where Police Licensing and Council Licensing conducted a visit on the 3rd January 2020.

As part of the visit a licensing check was conducted and I would like to highlight the following breaches of the licence:

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
2. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
3. CCTV footage will be stored for a minimum of 31 days.
4. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
5. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
6. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

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7. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

Your husband corrected the incorrect time whilst I was there as it was 7 minutes out. He was able to work the system and showed me the footage from 31 days ago. Your CCTV had failed to record 11th and 12th December to which you had not notified the police as per your condition

8 An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.

You have an incident log, there is no entries within the log but the DPS still needs to be signing the book on a weekly basis to confirm they have checked this.

9 No beers, lagers or cider with an ABV content exceeding 6% will be sold other than premium speciality bottled beer, lager, or cider.

For sale you had on display Lambrini Perry 6.8% 75cl.

10 The storage room shown on the plans will not be used for the display of alcohol to the public and the public will not be admitted to the storage room.

The door to this room was wedged open again with numerous products on the step to stop the door shutting, within this stock room a variety of various alcohol drinks were visible and stored.

I remind you that non-compliance with licence permissions and conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that: -

(1) A person commits an offence if –

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) he knowingly allows a licensable activity to be carried on.*

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

The highlighted breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will conduct a follow up visit within the next few weeks and I must advise you that any further breaches of your licence may mean enforcement action is taken.

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

PC HANCOX DH163
Licensing Police Officer - Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team.
c.c Happy Shopper 6-8 Upper Bevendean Avenue, Brighton BN2 4FF